HIGH COURT OF CHHATTISGARH AT BILASPUR

S.A. No.443/2005

Single Bench: **Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

Appellants Plaintiffs	:	1.	Budhram s/o Late Shri Chaitram, aged about 53 years, Agriculturist, R/o Village Sankra, R.I. Circle Dharsiwa, Tahsil & District Raipur, C.G.
	:	2.	Budharwa s/o Late Shri Chaitram, aged about 42 years, Agriculturist, R/o Village Sankra, R.I. Circle Dharsiwa, Tahsil & District Raipur C.G.
	:	3.	Smt. Shyama bai w/o late Shri Chaitram aged about 71 years, R/o village Sankra, P.S. Dharsiwa, Tahsil & District. Raipur C.G.
			Versus.
Respondents Defendants	:	1.	Smt. Jugabai daughter of Late Shri Jaitram and W/o Late Shri Maharaji Satnami, R/o Santoshi Nagar, Raipur Chhattisgarh.
	:	2.	State of Chhattisgarh through Collector, Raipur, C.G.)

Appeal under Section 100 of Code of Civil Procedure, 1908.

Present:-
Shri Manoj Kumar Dube, counsel for the appellants/plaintiffs.
Shri Akhil Agrawal, PL for the State/respondent No.2.

ORAL ORDER

(Passed on 14th June, 2007)

Heard on admission.

(2) Civil Suit No.10-A/2001 filed by the plaintiffs / appellants for declaration of ½ share in the suit lands was dismissed by 10th Civil Judge Class-II, Raipur vide judgment and decree dated 30.06.2003. Aggrieved by the dismissal, the plaintiffs/appellants preferred the first appeal (Civil Appeal No. 40-A of 2003) which was also dismissed vide Judgment and decree

dated 29.07.2005 by 5th Addl. District Judge, Raipur. Hence, this Second Appeal by the appellants/plaintiffs.

(3) There is a concurrent finding of fact recorded by both the Courts below that the plaintiffs have failed to establish execution of will Ex.P.1 dated 28.11.2000 by Ganesh Ram in favour of the appellants/plaintiffs No.2 & 3. Both the Courts below have also recorded a concurrent finding that the plaintiffs/appellants have also failed to establish that possession of the suit lands was delivered to the plaintiffs No.2 & 3. In First Appeal, the finding recorded by the trial Court that the defendant No.1 is the sole heir of Jaitram has also been upheld. In this manner, both the Courts below have on appreciation of evidence oral as well documentary recorded concurrent findings of fact against the appellants/plaintiffs.

(4) I am of the considered opinion that no substantial question of law is involved in this appeal which is dismissed at the admission stage. There shall be no order as to costs. M.C.P.No.1436/2005 for stay also stands dismissed.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani